IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

Crl.Rev.Pet.No. 2979 of 2004()

CRA.604/2001 of SESSIONS COURT, KOZHIKOE
CC.44/2001 of JUDL. MAGISTRATE OF FIRST CLASS-II(MOBILE), KOZHIKODE

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REVN. PETITIONER: APPELLANT/ACCUSED:

P.MOOSA, S/O.UNNENKUTTY,
MUTHIYATHUMPARAMBA, HAJAR PALLI, MALAPPURAM AMSOM DESOM, ERANAD TALUK.

BY ADV. SRI.M.C.RATNAKARAN

RESPONDENTS: COMPLAINANT:

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1. V.M.MATHEW, PROPRIETOR,
M/S.TEXTILE TRADING CORPORATION, M.M.ALI ROAD,
CALICUT -2.

2. STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY ADV. SRI.JACOB ABRAHAM
SRI. K.S. SIVAKUMAR, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL. M.A. NO. 13504/2004 IN CRL.R.P.NO. 2979/2004

DISMISSED

18.12.2007 SD/- V. RAMKUMAR, JUDGE.

/True Copy/

P.A to Judge.

V. RAMKUMAR, J.

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Crl.R.P. No. 2979 of 2007

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Dated this the 18th day of December, 2007

ORDER

The accused in C.C. No.44 of 2001 on the file of the Judicial First Class Magistrate-II (Mobile), Kozhikode for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the conviction entered and the sentence passed against him concurrently by the courts below.

2. Pending this revision, the parties have settled the matter. Crl.M.A.No. 13229 of 2007 has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking permission to record the composition entered into between the revision petitioner and the complainant. The said petition has been signed by both the revision petitioner as well as the complainant and their respective counsels. In the light of this development, the aforementioned composition is recorded and it will have the effect of an acquittal of the revision petitioner within the meaning of Sec. 320 (8) Cr.P.C. The amount if any deposited before the trial court shall be refunded to the revision petitioner/accused.

This Crl. R.P. is disposed of as above.

V. RAMKUMAR,JUDGE.

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